

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION  
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UNITED STATES OF AMERICA,

Plaintiff,

No. 1:15-CR-183

vs.

Hon. Janet T. Neff  
United States District Judge

MICHAEL AHO KENNEDY,

Defendant.

\_\_\_\_\_  
CHEMICAL BANK,

Petitioner.  
\_\_\_\_\_

**JOINT MOTION FOR FINAL ORDER OF FORFEITURE FOR  
317 HILLCREST DRIVE, PETOSKEY, MI**

Plaintiff United States of America, by their undersigned counsel, and Petitioner, Chemical Bank through its counsel, Timothy Hillegonds, respectfully submits this Joint Motion for a Final Order of Forfeiture for the reasons set forth below. A proposed order is submitted with this motion.

1. On April 6, 2016, the Court entered a Preliminary Order of Forfeiture for the real property commonly known as 317 Hillcrest Drive, Petoskey, Michigan, more fully described as:

LOT 21, PLAT OF VANTAGE VIEW, SECTION 12, T34N,  
R6W. RESORT TOWNSHIP, EMMET COUNTY, MICHIGAN,  
AS RECORDED IN LIBER 10 OF PLATS, PAGES 40 AND 41.

Parcel No. 13-18-12-276-017, titled in the name of Grant MacDonald-Aho Kennedy.

(hereinafter the "Real Property"). (PageID.225-227).

2. In accordance with 21 U.S.C. § 853(n)(1), the United States published a notice of forfeiture for thirty days on the Internet at [www.forfeiture.gov](http://www.forfeiture.gov) beginning April 8, 2016. (*See*, Exhibit 1). The United States also sent direct notice letters to potentially interested parties. (*See*, Exhibit 2). Notice was also posted on the Real Property. (*See*, Exhibit 3).

3. Pursuant to 21 U.S.C. § 853(n), any person asserting a legal interest in the Real Property could petition the Court for a hearing to adjudicate the validity of his alleged interest. All petitions regarding the Subject Property were due on or before June 7, 2016.

4. On May 6, 2016, Chemical Bank filed a petition with the Court claiming an interest in the Real Property pursuant to a note it extended that is secured by a mortgage.

5. The Government and Petitioner Chemical Bank entered into a Stipulated Settlement Agreement to resolve the parties' respective interests in the Real Property, which is attached hereto as Exhibit 4.

6. No other petitions were filed in this case to claim the Real Property. Therefore, any further third-party interests are barred by failure of those parties to file a timely petition. 21 U.S.C. § 853(n)(2), (n)(7).

Accordingly, the United States and Petitioner Chemical Bank respectfully request that this Court enter a final order of forfeiture according to the terms in the parties' Stipulated Settlement Agreement, as proposed in the attached order.

Respectfully submitted,

PATRICK A. MILES, JR.  
United States Attorney

Dated: June 22, 2016

/s/ Joel S. Fauson  
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Dated: June 22, 2016

/s/ Timothy Hillegonds (with permission)  
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